PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS

AND INTERFERENCES

Ex parte Emerling et al.

Appeal No. _____

Serial No.:	10/711,457
Filed:	September 20, 2004
Art Unit:	3612
Examiner:	Gregory A. Blankenship
Appellants:	David M. Emerling et al.
Title:	MOLDED AUTOMOBILE VISOR
Attorney Docket:	MASLIAC-51
Confirmation No.:	5456

Cincinnati, Ohio 45202 June 2, 2008

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF TO EXAMINER'S ANSWER

This Reply Brief is submitted in furtherance of Appellants' Appeal Brief filed February 8, 2008, and responds to the Examiner's Answer mailed April 4, 2008. Appellants respectfully request consideration of the following remarks which address the arguments set forth in the Examiner's Answer.

REMARKS

A. The rejections of claims 1-6, 10-13, and 16 as being unpatentable over the combination of U.S. Patent No. 6,840,561 to Mills et al. in view of U.S. Patent Application Publication No. 2003/0184064 to Hier et al.

In the Examiner's Answer, the Examiner argues that the use of a polymeric cover layer in place of a plastic cover layer in an automotive instrument panel is in implicit in Hier '064. Hier '064 is directed to a vehicle instrument panel having a plastic cover layer that extends over a door through which an air bag may be deployed, such that seams in the instrument panel proximate the door are hidden from view. Hier '064 does not discuss replacing fabric cover material with polymeric material, and the Examiner fails to cite any evidence supporting his assertion that it is well known to substitute a polymeric cover layer in place of a fabric cover layer in an automotive instrument panel.

Appellants further maintain that the Examiner has failed to present reasonable rationale for modifying the visor of Mills '561 in view of Hier '064 by replacing the fabric cover layer of the visor with a polymeric cover layer that is integrally formed in place on an outer surface of a core member of the visor. Specifically, the alleged motivation to replace the fabric cover layer of Mills '561 with a polymeric cover later "to provide a seamless cover" (see final Office Action date August 28, 2007) fails because applying a polymeric cover layer to the clamshell configuration of Mills '561 would not result in a seamless cover (because the core halves must still be folded to form the visor in accordance with Mills '561). Molding a polymeric cover onto the visor of Mills '561 after folding the core halves would be contrary to the teachings of Mills '561.

Mills '561 is directed to an automotive visor having a clamshell configuration

wherein first and second core halves are designed to be folded about a living hinge to capture the edges of a fabric cover material. If polymeric material were molded to the core of Mills '561 in place of the fabric, a seam would still be created when the core halves are folded to complete the visor in the manner taught by Mills '561. Mills '561 does not teach folding the core halves prior to placing fabric cover material thereon. Accordingly, persons skilled in the art would not have been motivated to first fold the core, then replace the fabric over material with a polymeric cover material as alleged by the Examiner. For at least these reasons, Appellants respectfully request that the rejections of claims 1-6, 10-13, and 16 be reversed.

B. The rejection of claim 7 as being unpatentable over the combination of Mills '561 and Hier '064 in further view of UK Patent Application GB 2 336 577 to Fischer et al.

The Examiner appears to focus on Appellants' secondary argument that Fischer '577 does not disclose a polymeric cover layer that is textured to simulate fabric material. However, the main point set forth in the Appeal Brief is that Fischer '577 discloses an automotive visor wherein a fabric material 54 is placed into a mold cavity, and polymeric beads are then injected into the cavity to fill the space between the fabric material panels. Fischer '577, therefore, does not disclose a cover layer that is integrally formed in place onto an outer surface of a core member, as set forth in claim 1 from which claim 7 depends. Fischer '577, therefore, does not cure the deficiencies of Mills '561 and Hier '064 discussed above and in the Appeal Brief with respect to claim 1. For at least these reasons, Appellants respectfully request that the rejection of claim 7

be reversed.

C. The rejections of claims 8, 9, 14, 15, 17, and 18 as being unpatentable over the combination of Mills '561 and Hier '064 in further view of US. Patent No. 5,720,509 to Binnish.

The Examiner alleges that Binnish '509 is relied upon to teach integrally molding an accessory with a sun visor. Binnish '509, however, is directed to an automotive visor wherein a foam material is injected into a fabric cover that has been previously placed into a mold so that the foam material expands to form lips 27, 47 over a mirror or door opener, as discussed in the Appeal Brief. Binnish '509, therefore, does not disclose an integrally molded cover that affixes accessories such as a mirror or door opener to a core member of a visor, as set forth in claims 8, 9, 14, 15, 17, and 18. Rather, Binnish '509 only discloses the use of foam material to expand a pre-existing cover material to secure a mirror or door opener. For at least these reasons, Appellants respectfully request that the rejections of claims 8, 9, 14, 15, 17, and 18 be reversed.

Conclusion

In view of the foregoing remarks and the Appeal Brief filed February 8, 2008, Appellants respectfully urge the Board to reverse the rejections of claims 1-18.

Appellants do not believe that any fee is due in connection with this submission. However, if any fees are necessary to complete this communication, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account No. 23-3000.

Respectfully submitted,

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